

**From:** [Mintzer, Michael](#)  
**To:** [Pamela D Detig](#)  
**Cc:** [Ex 7\(c\)](#); [Fessler, Andrew](#)  
**Subject:** RE: EPA Acces to 4924 and 4950 Niagara Falls Boulevard s/b 9524 & 9540  
**Date:** Monday, November 25, 2013 5:01:28 PM

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Pamela –

Thank you for sending the signed access form for both properties that are the subject of the EPA site assessment.

One more request – please let me know on Wednesday if the closing has occurred as scheduled, and if the ownership of the property has transferred to your client.

EPA appreciates your cooperation and the cooperation of your client in helping to move this along.

Michael

*Michael A. Mintzer*

*Assistant Regional Counsel*

*U.S. Environmental Protection Agency, Region 2*

*212-637-3168*

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**From:** Pamela D Detig [mailto:[pdetig@aol.com](mailto:pdetig@aol.com)]  
**Sent:** Monday, November 25, 2013 4:08 PM  
**To:** Mintzer, Michael  
**Cc:** [Ex 7\(c\)](#); Fessler, Andrew  
**Subject:** Re: EPA Acces to 4924 and 4950 Niagara Falls Boulevard s/b 9524 & 9540  
Michael- Attached are the Access Agreement forms signed by [Ex 7\(c\)](#) as member of the LLC's in title and/or Contract Vendee in anticipation of ownership for the referenced properties.

Thank you,

Pamela D. Detig

-----Original Message-----

From: Mintzer, Michael <[Mintzer.Michael@epa.gov](mailto:Mintzer.Michael@epa.gov)>  
To: Pamela D Detig <[pdetig@aol.com](mailto:pdetig@aol.com)>  
Cc: [Ex 7\(c\)](#); Fessler, Andrew <[Fessler.Andrew@epa.gov](mailto:Fessler.Andrew@epa.gov)>  
Sent: Mon, Nov 25, 2013 11:25 am  
Subject: RE: EPA Acces to 4924 and 4950 Niagara Falls Boulevard s/b 9524 & 9540

Pamela – Thanks. It looks fine.

Two very minor typos. In the 9540 form, the phrase “Contractor Vendor” should be “Contract Vendor.” And, in both, close the parentheses after “(attached hereto as Exhibit A.”

*Michael A. Mintzer*

*Assistant Regional Counsel*

*U.S. Environmental Protection Agency, Region 2*

*212-637-3168*

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**From:** Pamela D Detig [mailto:[pdetig@aol.com](mailto:pdetig@aol.com)]  
**Sent:** Monday, November 25, 2013 11:17 AM  
**To:** Mintzer, Michael  
**Cc:** [Ex 7\(c\)](#); Fessler, Andrew  
**Subject:** Re: EPA Acces to 4924 and 4950 Niagara Falls Boulevard s/b 9524 & 9540  
Michael - please see the attached Access Agreements which I have amended as indicated to provide for a separate agreement for each property and to reflect the separate entities/owner for 9524 and contract vendee/owner for 9540. Please confirm that you approve my amendments. I too have to be out for a couple of hours and will make it a point of catching up with [Ex 7\(c\)](#) for signatures before the close of business today. Thank you, Pam Detig

-----Original Message-----

From: Mintzer, Michael <[Mintzer.Michael@epa.gov](mailto:Mintzer.Michael@epa.gov)>

To: Pamela D Detig <[pdetig@aol.com](mailto:pdetig@aol.com)>  
Cc: [REDACTED] Fessler, Andrew <[Fessler.Andrew@epa.gov](mailto:Fessler.Andrew@epa.gov)>  
Sent: Mon, Nov 25, 2013 9:44 am  
Subject: RE: EPA Acces to 4924 and 4950 Niagara Falls Boulevard s/b 9524 & 9540

Good morning Pamela –

Pursuant to our telephone conversation of this morning, I am attaching the Word version of the Consent to Access. The corrections mentioned in your e-mail are acceptable and you can make those changes in the access form.

EPA does not need a separate form from your prospective tenant of the parcel where [REDACTED] is the contract vendee provided that the owner advises the tenant of the activity and notifies the tenant that the owner has consented to EPA's access.

I have an appointment today outside of my office from 11:30 until about 2:00 PM. So, if you have any questions, please call either before 11:30 or later in the afternoon.

Michael

*Michael A. Mintzer*

*Assistant Regional Counsel*

*U.S. Environmental Protection Agency, Region 2*

*212-637-3168*

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**From:** Pamela D Detig [<mailto:pdetig@aol.com>]

**Sent:** Friday, November 22, 2013 6:32 AM

**To:** Mintzer, Michael

**Cc:** [REDACTED] Fessler, Andrew

**Subject:** Re: EPA Acces to 4924 and 4950 Niagara Falls Boulevard s/b 9524 & 9540

Good Morning Michael -

Just to note Michael that the addresses are incorrectly noted in the subject line, rather should be 9524 Niagara Falls Boulevard and 9540 Niagara Falls Boulevard.

With regard to the Limited Consent to Access, I will be meeting with [REDACTED] today or over the weekend with the intent of meeting your timeline.

I ask, however, that you provide a Limited Consent to Access for 9524 Niagara Falls Boulevard, LLC, the owner of 9524 and a separate Limited Consent to Access for 9540 NFB, LLC, the contract vendee of 9540.

Please let me know if such a Limited Consent to Access form is required of tenants. Should a closing take place of 9540 Niagara Falls Boulevard, there is a tenant prepared to take occupancy.

Thanks Michael.. I am here for the morning, at meetings for the afternoon, but in my office tomorrow and my client is available.

Pam Detig

PAMELA D. DETIG

ATTORNEY AT LAW

3951 EAST RIVER ROAD

GRAND ISLAND, NEW YORK 14072

716-773-3015

716-773-0026-FAX

-----Original Message-----

From: Mintzer, Michael <[Mintzer.Michael@epa.gov](mailto:Mintzer.Michael@epa.gov)>

To: Pamela D Detig <[pdetig@aol.com](mailto:pdetig@aol.com)>

Cc: [REDACTED] >; Fessler, Andrew <[Fessler.Andrew@epa.gov](mailto:Fessler.Andrew@epa.gov)>

Sent: Wed, Nov 20, 2013 5:14 pm

Subject: EPA Acces to 4924 and 4950 Niagara Falls Boulevard

Pamela –

Attached is a signature ready copy of the Limited Consent to Access form.

Because EPA's activity is scheduled for early December, right after the Thanksgiving holiday, EPA is requesting that the signed Limited Consent to Access be provided by close of business on next Monday, November 25. Please provide the form by e-mailing a pdf copy after signature (or by FAX to 212-637-

3104), and thereafter forwarding the original by regular mail addressed to me at my address below. This is the same form that I sent to John Kolaga earlier today for his client's signature except that the form being sent to you addresses the 9524 Niagara Falls Boulevard facility as well as your client's potential ownership of the 9540 Niagara Falls Boulevard property. Please let me know if you have any questions about the access form or EPA's proposed activity. If you need to reach me, please note that I will be out of the office this Friday, November 22, 2013 and so please contact me at any other time.

*Michael A. Mintzer*

*Assistant Regional Counsel*

*U.S. Environmental Protection Agency, Region 2*

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